

hard, faithful, risky, and strenuous service of a life-time. Their plight would be found to be very pitiable, indeed. But, as long as the future of the Tramway hangs in the balance, as it has always done, this was, to some extent, inevitable. What is required is, in my humble opinion, a proper appreciation of the value and scope of this institution, indispensable for the working of the still valuable Parambikulam forests, and to make an earnest effort to give it a permanent lease of life, and to better the prospects of its long-suffering employees. I would invite my Hon'ble friends on the other side of the House to pay a visit to this much-maligned institution, make a patient study of the subject, and to satisfy for themselves the truth of my statements. To this end I shall always be at their service.

Turning to the budget estimate for 1934, it will be noticed that it is in excess of the current year's revised estimate of expenditure by Rs. 17,528. The necessity for this increase will have been evident from what I have stated in my opening remarks on the Forest Budget. During the current year, the quantity of timber to be extracted from Parambikulam was considerably restricted, as there was a large quantity of accumulations of past years to be disposed of. As the old stock has now been practically exhausted, fresh stock has to be collected and transported for next year's sales. The greater volume of traffic that the Tramway has to undertake in 1934 has, therefore, necessitated a larger expenditure, which, however, will be found to be justified by the increased revenue anticipated for the Department. With these remarks, I would now request the House to pass the demand.

*Demand put and carried.*

#### 9. 16—Law and Justice Rs. 1,78,532.

**Mr. Thomas Manjuran.**—Sir, I rise to move for a demand of Rs. 1,78,532, under 16—Law and Justice. The course of Law and Justice has been practically what it has been all along and I do not think any preliminary remarks are called for from me. Land and Justice have been satisfactorily and well administered and I believe, as has been testified to by the Hon'ble Members in this House, with very satisfactory results. I pray, that the demand may be kindly voted.

#### Motions Nos. 1—2.

*As the following motions were not moved they were considered withdrawn.*

1. **Mr. P. Kumaran Ezhuthassan.**—To reduce the allotment of Rs. 3,444 for Establishment by Re. 1.

2. **Mr. P. Kumaran Ezhuthassan.**—To reduce the allotment of Rs. 3,617 for Establishment by Re. 1.

Motion No. 3.

**Mr. T. K. Nayar.** *To reduce the allotment of Rs. 3,617 for Establishment by Rt. 1.*

*To press upon the Government the necessity for deleting the provision in the Motor Regulation and rules thereunder whereby the owner of a bus is punished for the actions of the driver and conductor.*

ഈ മോട്ടോർ റെഗുലേഷൻ നടപ്പിൽ വന്നതിനുശേഷം ഹാജരായവരെ ഇതിൽ ഉടമസ്ഥന്മാരെ കുറ്റക്കാരാക്കിയിട്ടില്ല.

മിസ്റ്റർ ജാജ് ചാക്യാമുറി.—എന്തെല്ലാമാണ് കുറ്റങ്ങൾ എന്നറിഞ്ഞാൽ കൊള്ളാം.

മിസ്റ്റർ ടി. കെ. നായർ.—എല്ലാ കുറ്റങ്ങളും പരിഹരിക്കുവാൻ ചുമതലപ്പെടുത്തണം.

ബസ്സുടമസ്ഥന്മാരെ ഇതേവരെ ശിക്ഷിച്ചിരുന്നില്ല. ഡ്രൈവറോ, കണ്ടക്ടറോ കുറ്റം ചെയ്താൽ അത് ബസ്സുടമസ്ഥനും ബാധിക്കുമെന്ന് ഒരു റൂൾ ഈ അടുത്തകാലത്തു കൊണ്ടുവന്നു കത്തിച്ചെടുത്തിട്ടുണ്ട്. നോട്ടീസ് വരുന്ന അവസരത്തിലാണ് ഉടമസ്ഥനും ശിക്ഷയുണ്ടെന്നു മനസ്സിലാക്കുന്നത്. ഉടമസ്ഥന്മാർ മജിസ്ട്രേട്ടുകോട്ടിന്റിന് ഇത്രയും റെഗുലേഷൻ ഇത്രയും വകുപ്പുകാരും നിങ്ങൾ കുറ്റം ചെയ്താൽ നിങ്ങൾക്കു നമ്മുടെ മുമ്പാകെ ഹാജരാകേണ്ടതാണെന്ന് ഒരു സമൻസ് കിട്ടും, അപ്പോഴാണ് അവർ സംഗതി അറിയുക. അതിന്റെ ആവശ്യമുണ്ടോ ഇല്ലയോ എന്നുള്ളത് ഈ നിയമസഭ തീർച്ചയാക്കണമെന്നാണ് ഞാൻ പറയുന്നത്. ഈ വകുപ്പുകളെ കണ്ടിട്ടു യാതൊരാൾക്കും പരിഭ്രമവും ഇല്ല. ഇതിലും കഠിനമായിട്ടു ഏല്പാടുകൾ ഇപ്പോൾ ബസ്സു സർവ്വീസിനെപ്പറ്റി നടത്തിവരുന്നുണ്ട്. ഈ നിലയിൽ ഇനി അധിക കാലം കൊച്ചി രാജ്യത്ത് ബസ്സു സർവ്വീസ് നിലനിൽക്കുകയില്ല. അതു നിലനിൽക്കുവാനായിട്ട് എന്തെല്ലാം ചെയ്യുവാൻ സാധിക്കുമോ അതെല്ലാം അതിന്റെ ഭാരവാഹികൾ ചെയ്യുന്നുണ്ട്. ഈ റൂൾ നിലവിലിരിക്കുന്ന കാലംവരെ ഈ കൊച്ചി രാജ്യത്ത് മാനമുള്ള ഒരുത്തനെയും ഒരു സർവ്വീസുടമസ്ഥനാവാൻ പുറപ്പെടുമോ എന്നാണ് ഞാൻ ചോദിക്കുന്നത്?

ഞാൻ ഒരു മഹസിൻ വായച്ചപ്പോൾ അതിൽ ലണ്ടൻ പട്ടണത്തിൽ—ഞാൻ ആ പട്ടണം കണ്ടിട്ടില്ല—ഒരു കമ്പനിക്കാർന്നു ആയരം ബസ്സോ മറ്റോ സർവ്വീസ് നടത്തുന്നതായി എഴുതിയതാണെന്നു കണ്ടു! അവിടത്തെ ബസ്സുകൾക്കെല്ലാം രണ്ടും മൂന്നും നിലയുണ്ട്! ഇവിടെയോ? ബസ്സ് എന്നു പറഞ്ഞാൽ കഴിഞ്ഞു. കപ്പലുണ്ടെന്ന് ഇതിലധികം സ്ഥിതിയുണ്ട്!

ഇവിടെയുള്ള ബസ്സുടമസ്ഥന്മാരുടെ നില അവർക്കുള്ളില്ല. ഇതുപോലെ അപ്പോഴോ! ഈ നിയമപ്രകാരം ബസ്സുടമസ്ഥന്മാർ

കൂടി ശിക്ഷാർഹരാണെന്ന് ഈ നിയമസഭ അഭിപ്രായപ്പെടുമെന്ന് എനിക്കു ബോദ്ധ്യമില്ല. ഇതിനൊരു നിവാരണമുണ്ടാകുമോ എന്നറിഞ്ഞിട്ടുവേണം ചില ഉടമസ്ഥന്മാരുടെ പേരിലുള്ള പർമിറ്റു വേറെ പേരിൽ മാറ്റം ചെയ്യുവാൻ. എനിയ്ക്കിവിടെ ബസ്സു ഉടമസ്ഥന്മാരെ സംബന്ധിച്ചു മാത്രമല്ലാതെ എന്റെ സ്വന്തംകാര്യത്തിൽ യാതൊന്നും പറയുവാനില്ല. എന്റെ സ്വന്തംകാര്യത്തിന് ഞാൻ തന്നെ മതിയായേക്കാം. പക്ഷെ സാധുക്കളായ പലേ ഉടമസ്ഥന്മാർക്കും ഈ റൂൾകൊണ്ട് വളരെ ബുദ്ധിമുട്ടുണ്ട്. ബസ്സു നടത്തുന്നതുകൊണ്ട് ഒട്ടാകെ രാജ്യത്തേക്ക് ഗുണമോ ദോഷമോ ഏതാണുള്ളതെന്ന് ഈ നിയമസഭതന്നെ ആലോചിച്ചു നോക്കേണ്ടതാണ്. എന്റെ അറിവിൽപെട്ടിടത്തോളം ഉൾനാടുകളും പട്ടണങ്ങളും തമ്മിൽ മോട്ടോർ സർവ്വീസുകൊണ്ട് ബന്ധിക്കുന്നത് രാജ്യക്ഷേമമാണെന്നാണ്. അങ്ങനെയുള്ള ഒരു തൊഴിലിനെ നശിപ്പിക്കുന്നത് ഒട്ടും ശരിയല്ല.

എനിക്കും ഒരു സമൻസു കിട്ടി. പക്ഷെ ബസ്സു ഉടമസ്ഥൻ വേറെ ആളായിരുന്നു. ടി. കെ. നായരുടെ സർവ്വീസാണെന്നാണ് ബോദ്ധ്യം. അതനുസരിച്ചു ടി. കെ. നായർക്ക് സമൻസുയച്ചു. അവരേക്കാൾ ബുദ്ധി എനിക്കുണ്ട്. ഈ റൂൾ വന്നതോടുകൂടി പെർമിറ്റു എന്റെ പേരിൽനിന്നു മാറ്റിപ്പറ്റിയായിരുന്നു. അതു നോക്കാതെ പ്രവൃത്തിച്ചു. ഇതാണ് ഉന്നത്തെ ബസ്സു ഉടമസ്ഥന്മാരുടെ സ്ഥിതി. ഒന്നുമാത്രം വിട്ടിലിരിക്കുന്ന ഉടമസ്ഥൻ ചെയ്യുന്ന കുറ്റം എന്താണെന്നു വെച്ചാൽ:—

Rule 31 (a) (i). Every motor bus shall besides the driver carry a conductor whose duty shall in addition to any specially mentioned duty be to attend on the passengers and to see to the fulfilment of the motor vehicle rules in all cases where the driver is not held responsible according to law. ഉടമസ്ഥനും ഇതിന് ഉത്തരവാദിയാണ്.

(ii) Every conductor shall immediately after the completion of a trip carefully search for any property accidentally left in the bus and shall take the same within 24 hours if not sooner claimed by the owner to the nearest Police Station.

(iii) No person under the age of 18 years shall act as a conductor of a motor bus in any public place.

(iv) (1) No person shall act as a conductor of a motor bus unless he has a written authority in the form hereinafter mentioned signed by the proprietor and countersigned by the Commissioner of Police.

കണ്ടക്ടറുടെ കുറ്റത്തിനും ഉടമസ്ഥനാണ് ശിക്ഷ. കണ്ടക്ടർ പോലീസ് കമ്മീഷണറുടെ പാസ്സു വേണം, ഭേദപ്പെട്ട ആളുകളുടെ സർട്ടിഫിക്കറ്റു വേണം, ഡ്രൈവർക്കും ഭേദപ്പെട്ടവരുടെ സർട്ടിഫിക്കറ്റുവേണം, എന്നാലെ ലൈസൻസു കൊടുക്കാറുള്ളൂ; എങ്കിലും കുറ്റം ഉടമസ്ഥനാണ്. ഇതൊക്കെ വായക്കയാണെങ്കിൽ വളരെ മോശമാണ്. എങ്കിലും എങ്ങനെയാണ് വായക്കാതെ മനസ്സിലാക്കുന്നത്?

(2) The written authority shall be in form (1) annexed to these rules and shall be obtained from the Commissioner of Police on payment of a fee of annas eight. A photograph of the conductor shall be affixed to the face provided for the purpose in form (1) and it shall be sealed in such a way as to prevent fraudulent substitution. (ഇതിനു ശിക്ഷ ഉടമസ്ഥനാണ്.)

(3) The conductor shall always retain the written authority with him while on duty and shall exhibit it on demand to any police officer or to any Magistrate of or above the 2nd class. (ഇതിനു ഉടമസ്ഥൻ കുറ്റമുണ്ടാകുന്നതിനുള്ളതാണ്.)

(5) Every driver or conductor of a motor bus shall be in clean dress while on duty. (ഷർട്ടിൽ ചെളിയാക്കുവാൻ പാടില്ല. അതു ഉടമസ്ഥന്റെ ചുമതലയാണ്.)

(6) The driver of a bus shall wear in a conspicuous place on his left breast a numbered badge supplied to him free by the Commissioner of Police on application by the proprietor.

(7) The proprietor shall surrender such badge in the event of the permit being suspended or cancelled or becoming time expired.

(8) If the badge is lost or not returned the proprietor shall be liable to pay a charge of one rupee to the Commissioner of Police. (ഇതിനു ശിക്ഷിച്ചാലും ഒരു രൂപയ്ക്കു കാരണമാകാൻ വാണു.)

31 (b) No person shall drive a motor vehicle when he is intoxicated. (31 A & B: കൂടി വായിക്കണം. എന്നാലെ കാൽമാറുകയുള്ളൂ.)

2. Not more than... passengers in addition to the driver and the conductor shall be carried in the vehicle with luggage not exceeding in all..... pounds but in case of each passenger short of the prescribed goods or luggage to the weight of 10 pounds may be carried. The conductor shall grant receipts or tickets in the following form for all fares collected by him and shall stop issue of tickets when the maximum number of passengers the vehicle is allowed to carry has been reached. All receipts or tickets shall be in duplicate, one copy being given to the passenger and the other retained by the conductor. The duplicate shall be produced for inspection when required by any of the officers mentioned in condition 6."

ന. മ. C. ചേൽ ശേഷമാണ് ഉടമസ്ഥനെ കുറ്റപ്പെടുത്തുവാൻ തുടങ്ങിയത്. അതിനുമുമ്പ് ഡ്രൈവർക്കും കണ്ടക്ടർക്കും മാത്രമേ കുറ്റമുള്ളൂ. ഒപ്പിൽ ഉടമസ്ഥനും പറയുന്നു.

2. (a) No driver or conductor of a motor vehicle when the vehicle has been duly licensed and is either waiting or plying for hire shall without reasonable excuse refuse to accept a fare from any person tendering it provided that the conductor shall stop issue of tickets when the maximum number of passengers the vehicle is allowed to carry has been reached. Both the driver and the conductor shall be responsible for the due observance of this condition.

2 (b) No driver or conductor of a motor vehicle shall receive for carriage therein from any contagious or infectious disease.....

**Dr. A. R. Menon.**—Are these things right?

മിസ്റ്റർ ടി. കെ. നായർ.—ഇതു നിയമാണെന്നു് ഈ നിയമസഭ തീർച്ചപ്പെടുത്തുന്നപക്ഷം എന്നു് ഞങ്ങൾ വ്യക്തമാക്കുന്നു. ഞാൻ പിന്നെ ഒന്നും പറയുന്നില്ല.

**Mr. P. Nilakanta Menon.**—Sir, this subject has once been discussed in this Council before and it was decided then that under the existing law, we were justified in proceeding

against the owners. It would appear now from the speech of the Hon'ble Member that the Government have maliciously invented some rules which no other civilised Government has adopted with a view to ruin all bus owners in the State. But it is not so. These rules are copied from other civilised countries. They are obtained in Madras. It was introduced for the purpose of ensuring the safety of the travelling public. In the interests of discipline and proper control of traffic such a provision is necessary. The owners receive all the profits of the trade and so they should also be careful not to appoint irresponsible people, people who drink and take overloads, etc. When they enjoy the fruits of overload, they cannot escape the penalty for the same.

**Mr. T. K. Nayar.**—Who gives licenses to these irresponsible people?

**Mr. P. Nilakanta Menon.**—Yes, we give the license, but they do not undergo any practical test under us.

**Mr. T. K. Nayar.**—Do we?

**Mr. P. Nilakanta Menon.**—You ought to. You have greater responsibility.

**Mr. T. K. Nayar.**—We appoint them because you give licenses.

**Mr. P. Nilakanta Menon.**—You have greater responsibility for you are undertaking to convey the public. The existence of similar provision creating vicarious liability on the part of the master for the acts of his servants is not unknown in law. Such absolute provisions are frequently to be found in statutory provisions or regulations dealing with public safety and public health. If any change is required an amendment may be brought by the Hon'ble Member.

**Mr. T. K. Nayar.**—My cut motion is to delete these rules, Sir.

**Mr. M. K. Raman.**—The Commissioner of Police says that this sort of vicarious liability is not an uncommon thing in criminal law. I may submit to this House that as far as I know it is one of the fundamental principles of criminal justice, that in criminal law there is no vicarious liability and no one is punished for the fault of another. Here in this case, the bus owners are employing certain persons who hold licenses from the Government. And because that man overloads the bus while the owner knows absolutely nothing is it proper to punish the owner for the employee's fault? That is an unheard of thing, that is not justice; that is not equity, nor good conscience. Now the matter comes to this. A bus owner authorises a man only to admit a certain number of passengers but he takes more passengers and

the owner who is sitting simply at home is prosecuted and convicted and fined. That seems to be the procedure that is now going on in criminal courts. There are several such cases in the criminal courts pending, in one of which the owner was at Trivandrum while the bus was driving here. A summons was sent to that man and he was got down from Trivandrum. The man knows about the case or that the number of passengers taken in the bus was in excess, only when he gets the summons. There is no sort of justice in that kind of prosecution. Vicarious liability is not a common thing in criminal law. Criminal Law punishes a man because he is guilty *i. e.*, he has committed an offence and he had the guilty intent in his mind or what is known 'Mens Rea'. In this case he is absolutely innocent and is quietly sitting at home. Probably the bus driver or conductor wants to get a little money. Probably some other thing may be the cause. But how is the owner guilty? It is not possible to understand the inner nature of man. There is no understandable process of discovering the inner nature of man. If there was such a process the Commissioner of Police himself would have exercised it in giving licenses only to proper persons. So I say that it is only just and proper that the motion brought by the Hon'ble Member for Palayannur should be supported.

**Mr. Joseph Pettah.**—May I know from the Government whether in granting licenses in addition to the skill, ability and so on of the person, they do take into consideration his character?

**Mr. P. Nilakanta Menon.**—Character certificates have to be produced?

**Mr. Joseph Pettah.**—So am I to understand that they do not grant licenses to people of doubtful character?

**Mr. P. Nilakanta Menon.**—No, no. But they can change their character just after two days.

**Dr. A. R. Menon.**—I do not know anything of law. But this law does not appeal to common sense and common decency. Because A has got himself drunk, B should be prosecuted and punished I am very glad I have to do very little with the law which punishes A because B got himself drunk. If you follow this analogy I am sure the Commissioner of Police will have to be convicted everyday for the crimes committed by policemen. Now this seems to be ridiculous though copied from civilised countries. Let us be less civilised and more reasonable. For God's sake let us remove these rubbish section from the law book. Let us give some law which does not offend the elementary principles of common sense.

**Mr. Thomas Manjuran.**—Sir, I am not going to defend the law which has been assailed in this discussion. At any

rate we have got the high authority of the Commissioner of Police that this law is absolutely necessary. I do not mean to say that the Government is not prepared to reconsider the matter. I may at the outset state that with regard to some of the sections, in connection with which section 31(c) makes the owner liable, the liability cannot be deleted. There are some other cases, for instance the drivers getting drunk, which I suppose are rather hard.

**Dr. A. R. Menon.**—For overloading? The Police are responsible for overloading.

**Mr. Thomas Manjuran.**—There may be some cases in which the liability cannot be fixed on owners.

**Dr. A. R. Menon.**—What can the drivers do when a police man wants to get in without the consent of the driver?

**Mr. Thomas Manjuran.**—You should have robust conductors to push them out. All that I can say is that from the large number of provisions read out by the Hon'ble Member for Pazhayannur some of them might possibly be deleted. I cannot off-hand say that any particular section may be deleted. But I can say that the Government's attention will be directed to the question. Government does not want to be hard upon innocent people. Let us hope for the best. Whenever possible the offending provisions of the Regulation will be removed. There are some provisions which cannot be removed, for instance, those about breaks. The owner must be careful when he sends out a car without getting the breaks tested, because lives of several people are involved. The matter will be scrutinised and investigated and dealt with at an early date. The best attention will be paid to the matter.

**മിസ്റ്റർ കെ. അയ്യപ്പൻ.**—സർ, ജനങ്ങളുടെ രക്ഷയ്ക്കു വേണ്ടിയാണ് ഈ നിയമം വെച്ചുകൊണ്ടിരിക്കുന്നതെങ്കിൽ ഈ കട്ട്മോഷനെ ഞാൻ എതിർക്കുന്നു. പക്ഷെ ഒരു വ്യവസ്ഥയെക്കുറിച്ചാണ്. കമ്മീഷണറേയ്ക്കു കൂടി പ്രോസിക്യൂട്ട ചെയ്യത്തക്കവിധത്തിൽ ആക്കണം (ചിര).

**മിസ്റ്റർ ടി. കെ. നായർ.**—ഈ സംഗതി ഇതിനുമുമ്പൊരവസരത്തിൽ ബഹുമാനപ്പെട്ട നെല്ലായ മെമ്പർ ഇവിടെ അവതരിപ്പിക്കുകയുണ്ടായി. അന്നു നിർഭാഗ്യവശാൽ ഞാൻ ഇവിടെ ഇല്ലാതെയും, അദ്ദേഹത്തിന്നു ഇതു സംബന്ധിച്ച കൂടുതൽ വിവരം ഇല്ലാതെയും ആയി പോയി. അതിനനുരോധം ഗവണ്മെന്റിൽ നിന്നും മറുപടി കൊടുത്തത് "Rules must stand" എന്നാണ്.

ഒരു സംഗതി നിയമസഭ ആലോചിക്കേണ്ടതാണ്. ഇന്ന് ഈ നിയമസഭ തുടങ്ങിയതു മുതൽ ഇതുവരെയും ഞാൻ പുറമെ പോയിട്ടില്ല എന്നു എല്ലാവർക്കുമറിയാം. എന്റെ ബസ്സിൽ ഇന്ന് ഓ

വർലോഡ് കയറുകയും ചാജ് ചെയ്യുകയും ചെയ്തിട്ടുണ്ടെങ്കിൽ അതിനു ഞാൻ കറക്കാരനാണ്! ഞാൻ ഇന്നു മ.മ. മണിമുതൽ ഇവിടെതന്നെ ഉണ്ടെന്നും എല്ലാവരും കണ്ടിട്ടുണ്ട്! എറണാകുളത്തുള്ളവൻ തൃളിവപേരൂർ നടന്ന കറത്തീനു ചുമതലക്കാരൻ! ഈ മാതിരിയുള്ള രൂം വച്ചുകൊണ്ടിരിക്കുന്നത് നിയമാണെന്ന് ഈ നിയമസഭ തീരുമാനിക്കുകയാണെങ്കിൽ ഫലം അഭവിക്കാതെ തരമില്ലല്ലോ! ഈ വിഷയത്തിൽ ഗവണ്മെന്റിന്റെ അഭിപ്രായം അറിഞ്ഞതിനുശേഷം ഈ സഭയുടേയും അഭിപ്രായം അറിയണമെന്നാഗ്രഹിക്കുന്നു.

**Mr. Thomas Manjuran.**—I can assure the Hon'ble Member that the matter will be investigated without delay.

**Mr. T. K. Nayar.**—On the assurance of the Hon'ble Law Member I beg to withdraw the motion.

*Motion was, with leave, withdrawn.*

#### Motion No. 4.

*As the Member was absent the following motion was considered withdrawn.*

**Mr. E. Ikkanda Warriar.**—To reduce the allotment of Rs. 1,250 for purchase of books by Re. 1.

#### Motion No. 5.

**Mr. K. M. Ibrahim.**—To reduce the allotment of Rs. 5,375 for Law Department by Re. 1.

*The Government's delay in responding to the demands from this House for legislation for the solution of agricultural indebtedness.*

I move this cut of Re. 1 on the allotment of Rs. 5,375 for Law Department to discuss the Government's delay in responding to the demands from this House for legislation for the solution of agricultural indebtedness. Of course, Sir, regarding the Agriculturists' Protection Act and the Debt Redemption Scheme, a resolution was passed unanimously by this House. I do not propose to take up much time in moving this, nor is it necessary. All that can possibly be said has been exhausted during the last session and it was a unanimous House that stood against the Government. But if our Government is famous for one thing more than another it is their wonderful capacity to shut their eyes to the hard realities of life. Any other Government in their position would have done something to meet the united demands of this Council. I want to ask the Government a very simple question. Do they think that we are not serious?

**Mr. Thomas Manjuran.**—Not at all.

**Mr. K. M. Ibrahim.**—I strongly suspect that the Government think that we spend our eloquence simply to please ourselves. The colossal indifference of the Government evinced

by the totally evasive answers they give cannot have any other meaning. If that is so, Sir, let me tell them that we are serious and we know what we are talking about. When we say that the condition of the middle class people in the State is reduced to a state of semi-starvation, we are stating the bare facts. I challenge any member of the Government to come with me to my constituency and I shall convince him to his utmost satisfaction that the real state of rural indebtedness is far more acute than we the non-officials have tried to depict in this House. Let him then dare oppose our humble demands.

The Government when pressed on this matter, always used to come up with the stock answer that the scheme is under consideration. What a convenient and evasive answer for a heartless and unsympathetic Government? And when they are pressed still further they won't blush to say that none of the schemes adumbrated in the discussion last time is practicable in this State. And what more, they shamelessly tell us that they have not got any alternate scheme. Then let me ask them what is it they say 'is under consideration?' Perhaps they are thinking for enacting a new act which will effectively extract from the starving tax-payers the last penny they may have. I venture to feel that the time would not be far off if the Government still persist in riding rough shod over this Council problem, that there would not be enough money to keep this show of a Government. If the Bhavanagar scheme is too much to be applied to the whole State, let me suggest that they may try it in some villages as suggested by the Methala Panchayat. I am glad, Sir, that the Government gave a definite assurance on the matter during question time a few days ago. The Government will not be risking too much by this. Then we can know whether the scheme is practicable or not by this experiment. What I have to bitterly complain is the lack of sympathy on the part of the Government. I am obliged to wonder at times whether normal beings when they are installed in Government posts totally lose that wonderful human quality of sympathy. The Government mentality in this House points strongly to an affirmative answer.

Pending a definite move on the subject it is up to the Government to give our indebted peasantry some breathing time. At a time when the nations of the world are clamouring for repudiation of war debts, at a time when old morals and obligations are crumbling under the severe stress of an ever-increasing depression, would it not sound strange that we have to din into the ears of the Government again and again the utter disregard paid to the indebted peasantry of the State by our courts of law?

Times without number has this question been raised in the Council in one form or other and times without number have the Government been pleased to make delightfully vague and frightfully evasive replies. How strange that such a stupendous problem that affects the grave realities of our people should be so lightly treated! Has not the Government realised as yet the crushing load of debt the agriculturists are bending under and have they not the heart to sympathise with the victims of relentless pursuit by creditor-cum-courts? A nation that possesses better politicians, better statesmen and better judges has almost declared for repudiation. I am not asking the Government, Sir, to do the same for our peasants. I simply ask them to administer a mild dose, namely, declare a moratorium, give longer time for meeting the obligations. For heaven's sake let not the Government bring such out-worn, out-of-date conventional platitudes as 'wide discretion given to courts', 'machinery of credit going out of gear', etc. into this question on which hangs the tranquillity, the honour, nay, the very existence of many of our countrymen.

The agriculturists want a breathing time to tide over this great catastrophe. Most of the creditors can well afford to wait, without impairing their financial stability. If in spite of this they are bent upon extracting 'the pound of flesh' in the quickest time possible, are the courts justified in lending their support to this horrible extraction? Certainly not. They are to give the longest time to pay up the debts in convenient instalments. I regret to say that most of the courts are not giving this concession. The whole world knows that the paying capacity of the ryot has come down to the lowest. Would it be that our courts are still oblivious of this terrible tragedy? If so, the Government has to awaken them from their deep slumber and persuade them to follow a course calculated to lighten the anxieties of the agricultural population. If even at a time of national crisis courts are not exercising their discretion properly it is up to the Government to step in and see that justice is done to the people. No question of interfering with the independence of the judiciary comes in here as the Government is only asked to lay down a policy not opposed to either the letter or the spirit of law. In countries like England 'a penny-a-week-decrees' are not uncommon and it is no shame for our courts to be benefited by such shining examples.

By being a bit charitable to the debtors, by giving them a little time to settle their debts no machinery of credit is to go out of gear' as it is won't for the Government to say. The credit of one man does not depend on the credit of another and

money transactions are concluded only on the merit of individual cases. It is recent news that close on the heels of Germany's talk of repudiation of war debts came the promise of a huge loan to the much discredited Soviet Government by the United States. If the machinery of credit works on quite smoothly in the face of repudiation of debts is it not a wonder that our 'machinery of credit' alone should go 'out of gear' not because we repudiate the debts but because a little time is given to the debtors to pay up their debts? Surely Roosevelt with his gallantry of financiers is no match for our 'brain trusts'.

In conclusion I appeal to the Government to shake off the lethargy and do something substantial to help the debt-ridden agriculturists. The prosperity of the individual member of the State is the prosperity of the nation. We cannot boast of surplus budgets when so many families are incessantly persecuted by money lenders with the assistance of the law. The plight of the agriculturist can be eased considerably by the Government adopting the above course 'which when they look back upon their whole political career, whatever they may therein find to be pleased with, whatever to regret, cannot but be a source of gratification to them'.

**President.**—Though we are in the midst of a very interesting discussion, as we have got about 12 to 14 demands to be put to vote, I am afraid I must strictly follow Standing Order 49. The first in the list is Law and Justice.

*Hence the motion was considered withdrawn.*

*It being 5 o'clock, the following grants were put to vote and carried.*

- 16—Law and Justice—Rs. 1,78,532.
- 11—Law and Justice—Cranganur—Rs. 10,751.
- 17—Jails—Rs. 34,936.
- 12—Jails—Cranganur—Rs. 270.
- 18—Police—Rs. 2,03,750.
- 13—Police—Cranganur—Rs. 7,020.
- 3—Village Panchayats—Rs. 2,19,100.
- 3—Panchayats—Cranganur—Rs. 590.
- 2—Agriculture—Rs. 95,362.
- 2—Agriculture—Cranganur—Rs. 100.
- 15—Accounts and Finance—Rs. 45,891.
- 35—Miscellaneous—Rs. 12,255.
- 21—Miscellaneous—Cranganur—Rs. 30.
- 4—Co-operative Societies—Rs. 12,372.
- 32—Uplift of the Depreseed Classes—Rs. 94,823.
- 24—Uplift of the Depressed Classes—Cranganur—Rs. 1,400.

# DEMANDS FOR GRANTS

1001

- 34—Income-tax—Rs. 5,700.
- 26—Stationery and Printing—Rs. 1,22,400.
- 23—Stationery and Printing—Cranganur—Rs. 1,180.
- 12—Registration—Rs. 68,302.
- 8—Registration—Cranganur—Rs. 2,553.
- 8—Stamps—Rs. 34,518.
- 7—Stamps—Cranganur—Rs. 1,140.
- 13—Anchal—Rs. 77,356.
- 9—Anchal—Cranganur—Rs. 2,146.

*The following motions were considered withdrawn as they could not be moved for want of time.—*

- 6 Mr. K. M. Ibrahim.—To reduce the allotment of Rs. 5,375 for Law Department by Re. 1
- 7 Do do do do do
- 8 Mr. P. Kumaran Ezhuthassan.—To reduce the allotment of Rs. 33,998 for Establishment by Re. 1
- 9 Do To reduce the allotment of Rs. 1,700 for Travelling Allowance by Re. 1
- 10 Do To reduce the allotment of Rs. 13,350 for Copyist Establishment by Re. 1
- 11 Do do do do do
- 12 Mr. M. Ibrahim.—To reduce the allotment of Rs. 1,37,747 for Civil Justice by Re. 1
- 13 Do do do do do
- 14 Mr. M. Krishna Menon.—To reduce the allotment of Rs. 1,78,532 for Law and Justice by Re. 1
- 15 Do do do do do
- 16 Mr. Popatlal Goverdhan Lalan.— do do do
- 17 Dr. A. R. Menon.—To reduce the allotment of Rs. 315 for Establishment by Re.
- 18 Mr. P. Kumaran Ezhuthassan.—To reduce the allotment of Rs. 3,637 for Sub-Jails by Re. 1
- 19 Mr. E. Ikkanda Warriar.—To reduce the allotment of Rs. 8,534 for Office Establishment by Re. 1
- 20 Dr. A. R. Menon.—To reduce the allotment of Rs. 8,534 for Establishment by Re. 1
- 21 Mr. P. Kumaran Ezhuthassan.— do do do
- 22 Mr. K. T. Mathew.— do do do
- 23 Do do do do
- 24 Mr. K. Mohamed Seethi.—To reduce the allotment of Rs. 8,534 for Police by Re. 1
- 25 Mr. K. P. Vailan.—To reduce the allotment of Rs. 1,23,040 for Establishment by Re. 1
- 26 Mr. K. T. Mathew.— do do do
- 27 Do To reduce the allotment of Rs. 1,29,029 for Executive Force by Re. 1
- 28 Mr. C. A. Ousph.—To reduce the allotment of Rs. 1,29,029 for Police proper by Re. 1
- 29 Do do do do
- 30 Mr. K. Ayyappan.—To reduce the allotment of Rs. 5,540 for Temporary Establishment by Re. 1
- 31 Mr. T. K. Nayar.— do do do
- 32 Do do do do
- 33 Mr. P. Kumaran Ezhuthassan.— do do do

- 34 Mr. P. Knmaran Ezhuthassan.—To reduce the allotment of Rs. 2,01,530 for Police—Total by... Re. 1
- 35 Mr. M. Krishna Menon.—To reduce the allotment of Rs. 2,01,530 for Police Department by ... Re. 1
- 36 Mr. P. Kumaran Ezhuthassan.—To reduce the allotment of Rs. 1,200 for Cattle Pounds by ... Re. 1
- 37 Mr. Popatlal Goverdhan Lalan.—To reduce the allotment of Rs. 2,03,750 for Police by ... Re. 1
- 38 Mr. T. A. Ramachandra Ayyar.— do do do
- 39 Mr. K. I. Mathew.—To reduce the allotment of Rs. 4,675 for Office Establishment by ... Rs. 10
- 40 Mr. T. K. Nayar.—To reduce the allotment of Rs. 4,908 for Office Establishment by ... Re. 1
- 41 Do To reduce the allotment of Rs. 4,908 for Establishment by ... Re. 1
- 42 Mr. P. S. Kesavan Nambudiri.— do do do
- 43 Mr. A. Eachara Menon.—To reduce the allotment of Rs. 17,586 for Village Panchayats by ... Re. 1
- Contribution to Village Panchayats—Irrigation.**
- 44 Mr. P. Kumaran Ezhuthassan.—To reduce the allotment of Rs. 14,083 for Irrigation by ... Re. 1
- 45 Mr. Joseph Pettah.—To reduce the allotment of Rs. 37,911 for Communications by ... Re. 1
- 46 Mr. E. Ikkanda Warriar.— do do do
- 47 Mr. P. Kumaran Ezhuthassan.— do do do
- 48 Mr. Joseph Pettah.—To reduce the allotment of Rs. 97,764 for Communications by ... Re. 1
- 49 Mr. P. Kumaran Ezhuthassan.—To reduce the allotment of Rs. 33,050 for Water Supply by ... Re. 1
- 50 Do do do do do
- 51 Do To reduce the allotment of Rs. 10,800 for Grant-in-aid to Dispensaries by ... Re. 1
- 52 Mr. K. M. Ibrahim.—To reduce the allotment of Rs. 2,01,545 for Village Panchayats by ... Re. 1
- 53 Mr. K. P. Vallon.— do do do
- 54 Do do do do do
- 55 Mr. E. Ikkanda Warriar.—To reduce the allotment of Rs. 2,19,100 for Panchayats by ... Re. 1
- 56 Mr. Joseph Pettah.—To reduce the allotment of Rs. 5,660 for Agriculture—Office Establishment by ... Re. 1
- 57 Do To reduce the allotment of Rs. 7,979 for Establishment by ... Re. 1
- 58 Do To omit the allotment of Rs. 4,065 for Cocoa-nut Station by ... Re. 1
- 59 Mr. P. Kumaran Ezhuthassan.—To reduce the allotment of Rs. 72,354 for Agriculture by ... Re. 1
- 60 Do do do do do
- 61 Mr. Joseph Pettah.—To reduce the allotment of Rs. 4,397 for Veterinary Establishment by ... Re. 1
- 62 Mr. K. T. Mathew.—To reduce the allotment of Rs. 4,397 for Veterinary Hospitals by ... Re. 1

# DEMANDS FOR GRANTS

1003

- 63 Mr. P. Kumaran Ezhuthassan.—To reduce the allotment of Rs. 13,752 for Veterinary—Votable by Re. 1
- 64 Mr. A. Eachara Menon.—To reduce the allotment of Rs. 95,362 for Agriculture by .. Re. 1
- 65 Do do do do do
- 66 Mr. Popatlal Goverdhan Lalan:— do do do
- 67 Mr. K. T. Mathew.—To reduce the allotment of Rs. 4,977 for Establishment by .. Re. 1
- 68 Mr. Joseph Pettah.— Do do do
- 69 Mr. E. Ikkanda Warriar.—To reduce the allotment of Rs. 12,372 for Co-operative Department by ... Re. 1
- 70 Mr. P. S. Kesavan Nambudiri.—To reduce the allotment of Rs. 3,018 for Establishment by ... Re. 1
- 71 Mr. K. P. Vallon.—To reduce the allotment of Rs. 15,000 for Colonies by ... Re. 1
- 72 Do do do do do
- 73 Do do do do do
- 74 Do do do do do
- 75 Do To reduce the allotment of Rs. 1,100 for maintaining the Hostel by .. Re. 1
- 76 Do To reduce the allotment of Rs. 70,680 for Educational by .. Re. 1
- 77 Do To reduce the allotment of Rs. 70,680 for Educational by .. Re. 1
- 78 Mr. K. M. Ibrahim.—To reduce the allotment of Rs. 94,823 for Uplift of the Depressed Classes by Re. 1
- 79 Mr. K. Ayyappan — do do do do
- 80 Mr. K. P. Vallon —do do do do
- 81 Do do do do do
- 82 Do do do do do
- 83 Do do do do do
- 84 Do do do do do
- 85 Do do do do do
- 86 Do do do do do
- 87 Mr. E. Ikkanda Warriar.—To reduce the allotment of Rs. 5,700 for Income-tax by ... Re. 1
- 88 Mr. T. K. Nayar.—To reduce the allotment of Rs. 9,419 for Establishment by .. Re. 1
- 89 Mr. P. C. Varley.—To reduce the allotment of Rs. 71,831 for Stationery and Printing by .. Re. 1
- 90 Mr. A. Eachara Menon.—To reduce the allotment of Rs. 68,302 for Registration by .. Re. 1
- 91 Do To reduce the allotment of Rs. 34,518 for Stamps by .. Re.
- 92 Mr. E. Ikkanda Warriar.—To reduce the allotment of Rs. 7,845 for Superintendent's Establishment by Re. 1
- 93 Mr. Joseph Pettah.—To reduce the allotment of Rs. 7,845 for Establishment by ... Re. 1
- 94 Mr. K. T. Mathew.— Do do do do
- 95 Mr. Joseph Pettah.— Do do do do

*The following non-official business lapsed for want of time.*

**II. Private Bills—**

- (i) Mr. K. Ayyappan will present the Select Committee Report on 'The Civil Marriage Bill' and move that the Bill be taken into consideration.
- (ii) Mr. K. T. Mathew will move that a Select Committee be appointed to consider 'The Cochin Free Compulsory Primary Education Bill'.

**II. Amendments to Standing Orders.—**

- (i) Mr. K. T. Mathew will present the Select Committee Report on the 'Amendments to Standing Orders Nos. 9 and 23 (3), and move that the amendments be taken into consideration.
- (ii) Mr. K. T. Mathew will move for leave to amend Standing Order 31 (1) as follows:—

Add the following to Standing Order No. 31 (1). 'But any member may object to its introduction, if a copy of the bill has not been available for the use of members for seven days and such objection shall prevail unless the President in the exercise of his power to suspend the Standing Order allows its introduction.'

**IV. Resolutions—**

1. **Mr. A. Eachara Menon.**—That this Council recommends to the Government that sufficient accommodation be made in the Maharaja's College for the admission of all the boys of the State.

2. **Mr. A. Sankara Poduval.**—This Council recommends to the Government that a permanent First Class Magistrate's Court be established at Ernakulam with jurisdiction over the area over which the Anjikaimal Sessions Court exercises jurisdiction.

3. **Dr. K. Sankara Menon.**—This Council recommends to the Government that the District Judges be given the pay of a second grade officer of the State, viz., Rs. 450—650, and that the pay of the Additional Judge be fixed at the minimum of the District Judge.

4. **Mr. P. Raman Menon.**—This Council recommends to the Government to constitute a section in the Huzur Office for collection of statistics relating to the economic and industrial condition of the State, and to publish such information periodically.

5. **Mr. P. Kumaran Ezhuthassan.**—This Council recommends to the Government that there be only one Prosecuting Inspector for the whole State.

6. **Mr. E. Ikkanda Warriar.**—This Council recommends to abolish permanently the post of one of the Prosecuting Inspectors which is now kept vacant.

7. **Mr. A. Sankara Menon.**—This Council recommends to the Government that Typists and Shorthand Typists possessing minimum educational qualifications of clerks be provided with posts in the 40 to 60 grade after they have put in 10 years' service and in the 60 to 80 grade after they have put in 17½ years' service so as to place them on a par with clerks possessing the minimum educational qualifications.

8. **Mr. George Chakyamuri.**—This Council recommends to the Government that the pay of the District Superintendents of Police be raised to the level of the pay of the Assistant Engineers.

9. **Mr. T. A. Ramachandra Ayyar.**—This Council recommends to the Government that the Department of Panchayats be placed under the Department of Public Health and the post of the Registrar of Village Panchayats be abolished.

10. **Mr. Joseph Pettah.**—This Council recommends to the Government to take immediate measures so as to make Primary Education in the State cheaper in regard to expenditure on books and stationery.

11. **Mr. A. Sankara Poduval.**—This Council recommends to Government that the proposal contained in the Report of the Special Finance Committee, regarding the salaries of the District and Sessions Judges, and of the Additional Judge, be accepted and given effect to from next year.

12. **Mr. P. Raman Menon.**—This Council recommends to the Government that instead of the Diwan Peishkar the Superintendent of Registration be the Ex-Officio Commissioner of Income-Tax.

13. **Mr. P. Kumaran Ezhuthassan.**—This Council recommends to the Government that the Prosecuting Inspector of the State be placed in the same cadre as the District Superintendents of Police.

14. **Mr. E. Ikkanda Warriar.**—This Council recommends to the Government not to spend a pie on the Karuvannur (കരുവന്നൂർ) Flood Prevention Scheme of M. R. Ry. Diwan Bahadur N. Swaminatha Ayyar Avl., B. A., B. E., Chief Engineer for Irrigation, Madras Presidency, P. W. D., until it is got examined and approved by another expert Engineer.

15. **Mr. Joseph Pettah.**—This Council recommends to the Government to provide, in the Budget for next year, a more liberal allotment than that of the current year, on Rural Communications.

16. **Mr. A. Sankara Poduval.**—This Council recommends to the Government that Managers and Head clerks,

in Municipal Offices, be directed to undergo training in the recognised institutions providing special courses for them.

17. **Mr. E. Ikkanda Warriar.**—This Council recommends to the Government not to approve or prescribe as Text-books, the books written or published by those who are members of the Text-Book Committee or Board of Studies.

18. **Mr. Joseph Pettah.**—This Council recommends to the Government that, in view of their large and increasing number, a more commodious chapel be provided for the Christian patients of the Adoor Leper Asylum.

19. **Mr. A. Sankara Poduval.**—This Council recommends that the Visha Vaidyam Central Stores be shifted to Trichur, and tacked on the Central Ayurvedic Hospital, and that the courses of study in Visha Vaidyam may be imparted at the said Central Ayurvedic Institution.

20. **Mr. E. Ikkanda Warriar.**—This Council recommends to the Government to construct a cause-way and bridge over Perimplissery Ferry (connecting Ammatom with Perimplissery.)

21. **Mr. Joseph Pettah.**—This Council recommends that, in view of the severity of the present agricultural depression, the Government be pleased to remit the second crop assessment on single crop lands, for the year 1109.

22. **Mr. A. Sankara Poduval.**—This Council recommends to Government that the post of 'Financial Secretary to Government' be created forthwith in the Huzur Office.

23. This Council recommends to Government that the Criminal Intelligence Department be organised forthwith.

24. This Council recommends to Government that the rules regarding the grant of Compassionate Gratuity be so modified as to make the benefits thereof, available to the undivided family or tarward of the deceased officer if the officer be an unmarried person.

#### **Statement of the Progressive Party.**

**President.**—One word. The other day in throwing out the Demand for General Administration the Leader of the Progressive Party had said that he will put in a statement showing reasons for voting it out. The Hon'ble President then has been pleased to allow that statement to be read in open Council after finishing the work of the Council. I have handed it over to the Hon'ble Member for Trichur for reading it. He will kindly read it now.

**Mr. A. Sankara Poduval.**—I beg to state that as the statement submitted by me on 20th Karkadagam 1108 on behalf of the Progressive Party is not sufficiently explicit, I have to